Town of Leeds

Agenda
Town of Leeds Planning Commission
Wednesday, March 2, 2016

PUBLIC NOTICE is hereby given that the Town of Leeds Planning Commission will hold a **PUBLIC MEETING** on Wednesday, March 2, 2016 at 7:00 P.M. The Planning Commission will meet in the Leeds Town Hall located at 218 N Main, Leeds, Utah.

Regular Meeting 7:00 p.m.

1. Call to Order/Roll Call
   Appointment to Chair tonight's meeting
2. Invocation
3. Pledge of Allegiance
4. Declaration of Abstentions or Conflicts
5. Consent Agenda:
   a. Tonight's Agenda
   b. Meeting minutes from October 7, 2015
6. Announcements:
7. Public Hearings:
   a. Zone Change for Parcels L-3282-G and L-3284-B for Tuscan Lenders Group LC from Mixed Use (MXD) to Multiple Residential R-M-7, Residential R-1-10 (10,000 sq. ft.), Residential R-1-20 (20,000 sq. ft.),Residential R-1-1 (1 acre) on approximately 77 acres.
   b. Zone Change for Parcel L-3281-A for Capital Funding LTD CO LLC from Mixed Use (MXD) to Residential R-1-10 (10,000 sq. ft.), Residential R-1-20 (20,000 sq. ft.) on approximately 25 acres.
   c. Zone Change for Parcels L-3281, L-3285, L-3284-A-1, L-3286, L-3287 and L-3289 for MSH Investments LLC from Mixed Use (MXD) to Multiple Residential R-M-7, Residential R-1-10 (10,000 sq. ft.), Residential R-1-20 (20,000 sq. ft.), Residential R-1-1 (1 acre) on approximately 199 acres.
   d. Zone Change for Parcels L-3282-F, L-3282-D-2 and L-3179-A-3-B for MISI Investments LLC from Mixed Use (MXD) to Multiple Residential R-M-7, Residential R-1-10 (10,000 sq. ft.), Residential R-1-20 (20,000 sq. ft.), Residential R-1-1 (1 acre) on approximately 68 acres.
8. Action Items:
   a. Zone Change for Parcels L-3282-G and L-3284-B for Tuscan Lenders Group LC from Mixed Use (MXD) to Multiple Residential R-M-7, Residential R-1-10 (10,000 sq. ft.), Residential R-1-20 (20,000 sq. ft.),Residential R-1-1 (1 acre) on approximately 77 acres
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   d. Zone Change for Parcels L-3282-F, L-3282-D-2 and L-3179-A-3-B for MISI Investments LLC from Mixed Use (MXD) to Multiple Residential R-M-7, Residential R-1-10 (10,000 sq. ft.), Residential R-1-20 (20,000 sq. ft.), Residential R-1-1 (1 acre) on approximately 68 acres.
   e. Discussion and possible action on Chair and Chair Pro-tem.
9. Discussion Items:
   a. Ralph Cook, Lot split at 440 N Main
10. Staff Reports
11. Adjournment

The Town of Leeds will make reasonable accommodations for persons needing assistance to participate in this public meeting. Persons requesting assistance are asked to call the Leeds Town Hall at 879-2947 at *least* 24 hours prior to the meeting.
The Town of Leeds is an equal opportunity provider and employer.
Certificate of Posting;
The undersigned Deputy Clerk/Recorder does hereby certify that the above notice was posted February 25, 2016 at these public places being at **Leeds Town Hall, Leeds Post Office,** the **Utah Public Meeting Notice website** http://pmmutah.gov and the **Town of Leeds website** www.leedstown.org

Kristi Barker, Deputy Clerk/Recorder

Town of Leeds

Planning Commission Meeting for
March 2, 2016

1. Call to order:
   Commissioner Poast called to order the regular meeting of the Planning Commission at 7:00pm on March 2, 2016, at Leeds Town Hall, 218 North Main.

   Commissioner Poast, I would like to explain something to you really quick. We have a couple of members up here that have only been members of the commission for a short period of time. I joined in June and Danny was just a little bit after that and we have lost some members of the committee including our former Chair. Consequently, we are without a Chair, so the first order of business is going to be to do that. Initially I would like to call roll from my left:

ROLL CALL:

	Present	Absent
CHAIRMAN:		
COMMISSIONER: DANNY SWENSON	x	
COMMISSIONER: DARRELL NELSON	x	
COMMISSIONER: JOHN POAST	x	
ALTERNATE: DANIELLE STIRLING	x	

   Commissioner Poast made a motion to approve the appointment of Danielle Stirling to chair tonight's meeting. 2nd by Commissioner Swenson. Motion Passed in a Roll Call Vote.

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
CHAIRMAN:				
COMMISSIONER: DANNY SWENSON	x			
COMMISSIONER: DARRELL NELSON	x			
COMMISSIONER: JOHN POAST	x			
ALTERNATE: DANIELLE STIRLING	x			

2. Invocation by Commissioner Nelson.

3. Pledge of Allegiance by Commissioner Poast.

4. Declaration of Abstentions or Conflicts: None.

5. Approval of Agenda:
   Commissioner Nelson moved to approve tonight's agenda and meeting minutes of October 7, 2015. 2nd by Commissioner Swenson. Motion Passed in a Roll Call Vote.

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
CHAIRMAN: DANIELLE STIRLING	x			
COMMISSIONER: DANNY SWENSON	x			
COMMISSIONER: DARRELL NELSON	x			
COMMISSIONER: JOHN POAST	x			

6. Announcements:

7. Public Hearings:
   a. Zone Change for Parcels L-3282-G and L-3284-B for Tuscan Lenders Group LC from Mixed Use (MXD) to Multiple Residential R-M-7, Residential R-1-10 (10,000 sq. ft.), Residential R-1-20 (20,000 sq. ft.),Residential R-1-1 (1 acre) on approximately 77 acres.
   Chair Stirling, what we are doing is identifying that tonight we are looking at 4 zone changes for 4 different parcels. They're looking into mixed-use to residential; basically it's some dirt over on the other side of the hill that would like to change from a mixed-use zone to residential. Has everyone had a chance to look at all the information we received in our packets, the zone change applications?
   Commissioners responded yes.
   Chair Stirling, I'd like to open it the board to questions if there are any. I have a few observations that I would like to get underway as well.
   Jody Burnett, I would like to introduce myself. I am Jody Burnett; I am the Attorney representing the Town in the underlining law suit. I am here tonight to stand in for Gary Kuhlmann the Town Attorney. I want to remind the public that the Planning Commission is a recommending body and the ultimate decision on this is made by the Town Council. Tentatively that will be on the Town Council agenda on the April 13th meeting; however, my understanding is the Town Council also accepts citizen comment on items on the agenda. The other thing I would recommend is that although these are separate parcels, it was all originally part of the Grapevine Wash project and my experience in representing Cities and Towns throughout the State of Utah is that residents are probably going to want to comment on the entire project. So rather than trying to do 4 separate Public Hearings, I think it is probably better to open them all and conduct them concurrently so if anybody has a comment, they can make it; whether it is specific to one parcel, or general to the entire proposal.
   Chair Stirling, ok I really appreciate that. We will now turn the time over to Bob Nicholson the Town Planner who has done a background report.
   Bob Nicholson the Town Planner, I will try to be brief and give a quick introduction as to why we are at the point that we are at tonight. In 2009, the Leeds Town Council approved the Annexation and Development Agreement for the 369 acres in what is known as the Grapevine Wash development project and that map is on the board. In the Annexation Agreement they approved a mixed-use zone. That is a zone that allows mixed-use as high density, but it basically says that they approved a Development Plan along with the mixed-use zone. In the Development Plan for Grapevine Wash, on the 369 acres, there were 8 villages proposed. Village A was the main one at the north end of the property. It is a very urban mega project; this is a large project, 2500 housing units, 300,000 sq. feet commercial floor area. That is what this project contained. I would say that is a big project for any City in Utah and that zoning is still in place. Tonight the Town map shows this property as a mixed-use zone; however, due to a number of reasons the Town Council did not ever grant final approval to the final Development Plan. The zoning is in place, the Annexation

Agreement is in place that does grant some development rights to the property, but the final site plan has never been approved.
Commissioner Swenson, can you give us the date of that Annexation Agreement again?
Bob Nicholson, it was October of 2009. The project for the last 2 or 3 years has been in mediation with the State Ombudsman, or in litigation. At this point, they are trying to bring a settlement to this property and this zone change is part of that settlement. The proposal is that the 4 property owner groups are each requesting a zone change, that is why there are 4 zone changes on the agenda tonight for mixed-use to either R-1-1, which is one acre lot size, R-1-20, which is half an acre zone, R-1-10 which is a quarter of an acre lot, or the 4th zone is R-M-7 which is a multi-family zone with a max density up to 5 units per acre, a single home requires 10,000 sq. feet. Zoning by itself will not grant any development approvals for the property, they would have to go through a subdivision process and that is where utilities and the entire infrastructure; roads, water, sewer power, all of those things would have to be brought to the property as part of a subdivision application. Again, tonight we are just talking about zoning which is for the potential use of the property. The current plan separates this Grapevine Wash development area into 4 separate groups; they are highlighted, different colors show the outline of different property owners. In total the 4 zones would allow approximately 1033 dwelling units over the 369 acres, which translates to an overall density of 2.8 units per acre. So instead of having the 2500 housing units and the 300,000 sq. foot commercial, it has been reduced down to 1033 dwelling units.
Chair Stirling, I think what we will go ahead and the applicant come forward.
Bruce Baird, members of the Planning Commission my name is Bruce Baird; I am council for the project. With me tonight is Brandee Walker who is our Engineer and Planner from Civil Science and she will be discussing many of the details about the project. I had notes of what I was going to say but I think Bob took away about 90% of what I was going to say. I will try to avoid repeating it but I will emphasize a few things that both Jody and Bob said just to make it clear what we are doing and what we are not doing. I think it is important especially in these kinds of Hearings because people try to address issues that are not really here that will be addressed in the future. You may know that we had a public meeting 2 weeks ago, an unofficial meeting and that was at the Town's suggestion and we frankly loved the suggestion. We had a presentation and we had a great number of questions, very friendly and Bob answered some and I thought it was very helpful. A large number of the questions that they had however were not related to the zoning which is in front of you. This is where I am going to repeat what Bob said, this is simply a zoning map; this does not give any approvals to anything beyond the zoning. All it will do is vest the zoning for a specified period of time which we are negotiating with the Town Council. Anything we would want to do has to come back to at least this body and potentially to the Town Council. Anything that we would want to do has to comply with all provisions of your code and I mean all provisions. Water, sewer, secondary access, internal access, lot size, absolutely everything will still be in your control. This gives us no rights other than the right to come in and be assured that if we comply with your rules, we can get this. That allows us, in response to some of the questions two weeks ago that Bob indicated, to have this vested zoning. It allows us the flexibility to go and say, look, if we can get the second access, if we can get the sewer, we now know that it will pencil because we now know how many units we can put there and we can measure the relative costs of the access versus the units and decide if we want to go forward. If we can't solve the problems, we don't go forward. It is that simple. I am always put in this situation in these kinds of Hearings of saying "I trust your staff, I trust Bob, your Town Engineer, I trust that your Town Attorney will make sure that any future development is 100% compliant with your code". No one is here asking for any favors whatsoever for the future. I just wanted to be real clear about that. I want to address one other thing that came up and Brandee will go into a little more detail, there was some

reference in the public meeting a couple weeks ago to quote "high density housing" and I want to be clear that absolutely nothing on this project is what anybody can possibly call high density housing. The minimum lot size, the minimum affected per unit size is 8000 sq. feet. Now you can put more units in the area, but to do that, you have to leave the rest of the space open. So when you are putting 5 units to the acre, yes it is true that you could put 25 units on one acre, but that would mean you'd have 4 units with no acres around it, with no density on it; so to say this is "high density" is simply not correct and even in that zone as Bob said, if you're going for a single family, you are back to the 10,000 sq. feet. So effectively, this is a clustering ordinance allowing you to move density into a combined area which would decrease the price of the units somewhat and make them more market friendly, but you do that by giving up a massive amount of open space around it. This is not a project where you are going to have 300 units, sitting next to 300 units, sitting next to 300 units, it is not going to happen because that is not the way the zone is laid out.
Commissioners Swenson and Bruce Baird discussed units per acre in R-M-7 zoning.
Bruce Baird, I will turn the time over to Brandee, we would respectfully request that if there are any comments from the public that we need to respond to, that we be allowed to respond after that. I did forget one other thing and it is something that I sincerely mean. Over the last year, we have been working your staff , your Mayor, your Town Attorney both inside and outside and with Bob and we think we have come up with a resolution to a dispute that is the classic win, win here. I can tell you that Mr. Burnett and I have done this similar type of resolution in a number of other jurisdictions, this is not the only jurisdiction that has had a development that has had issues and I think the universal experience of the jurisdictions where resolutions like this, or similar to it, that Mr. Burrnett and I have worked out through the City Council, I am not aware of any of them where either the developer, City Council, or the Citizens regret having entered into that agreement.
Chair Stirling asked Bruce Baird to retell what he had discussed about the R-M-7 zoning. Bruce drew an example on the white board of unit density per acre and how much open space would be required. Bruce and Commissioners discussed it further.
Brandee Walker, who is representing the clients with Civil Science Engineering, explained the different zone colors on the map.
Chair Stirling, it has been about a year since I have officially done a Planning Commission meeting but I am going to ask Kristi Barker at this particular point because I want to make sure I am doing it right. Can we go ahead and discuss our questions, or do I have to open it up.
Kristi Barker, you can do it either way.
Chair Stirling, I am going to go ahead and have Planning Commission ask any questions. I will open it up if anyone has some, I have quite a few but I will go ahead and open it up.
Commissioner Swenson, I think he is following along with notes that I have had with proposals so far. He clarified the R-M-7, which was good, he clarified the sq. footages. So far by what I have heard from the open meeting, we have followed right along. I would like to hear more on the road easement because we do have that easement showing, something showing, so I would like to clarify that as we go on.
Commissioner Poast, for now, I will hold off my questions.
Commissioner Nelson, just a statement on these designated roads or proposed roads. I went to a meeting a couple of years ago in Toquerville and on these roads, they are just proposals. There is no easement, there is no actual money laid to these roads, they are just proposed. A lot of these roads might not happen for thirty or fifty years, it is just a proposal. The road at 900 going across the river is a proposal. Just for that one project you are talking in today's dollars, plus meeting up on the other side in Toquerville or Hurricane, it's like 10 or 12 million dollars. So when you are talking roads and you see a proposed road plan it is probably not even in the works.

Chair Stirling, I have quite a few questions. I went over the applications, kind of with a fine tooth comb because I understand as a recommending committee; I wanted to understand the application, so I am just going to start shooting off and I hope that you guys can answer it. First of all, when it says written justification describing the purpose for the zone change, I didn't see anything in the application of the purpose; can you kind of explain that?
Bruce Baird, I am sorry we didn't put that in there; I thought we complied with the application. The justification is that this is less dense, more appropriate and gives the Town more control than it has under the current development. The density is sensitively designed to take into account the topography; the higher density areas are in places that are logical from a planning standpoint, either at the entry way, or at the intersection of what is likely to be a proposed road, proposed intersection, hopefully if we get the road. Otherwise, the density feathers out from the higher density, as it is good planning practice.
Chair Stirling, so basically it is less density?
Bruce Baird, less density, no commercial and it is more sensitively designed and it gives this body greater control than it would have had under the Development Agreement. It requires more careful compliance with your code and seeks far fewer exemptions, changes and modifications from your code than did the Development Agreement.
Commissioner Swenson, so the history with this is it has been negotiated with our Town Council, litigation with Attorneys both ways. This has been numerous years in the works.
Bruce Baird, yes and we are comfortable, it is one of those that if anybody is terribly happy with a result of a settlement, than something's gone wrong. Obviously we would like more and the Town might want less. We think this is well designed and we are happy to have worked with your staff over the last year so carefully on it.
Chair Stirling, this is probably also for our staff, but it says "required building plans as per Land Use and Zoning Ordinance #2008-04, including all tests, exhibits and studies". Is there any tests, exhibits or studies we were supposed to be included in this?
Jody Burnett, I would say it's a generic application
Bob Nicholson, I don't think that would be relevant to the zoning, if we had a zone application but not for just the zoning.
Chair Stirling, why is the concept roads included in the map and is there zoning included on those concepts planned roads because I see on here a Grapevine concept plan road, but I don't see that is included in the zoning. So are your concept plan roads zoned or only roads?
Bruce Baird, the roads will be conceptual.
Brandee Walker, if you notice, this is our updated exhibit, they're gone.
Bob Nicholson, there are no roads.
Chair Stirling, we didn't receive that.
Jody Burnett, we got a request for that a few days ago and cleared it up.
Brandee Walker, just for that exact reason because we are not trying to entitle any roads at this point.
Bruce Baird, you only have the center concept road and I am going to pass that around to you. We got the request a few days ago and complied with it as soon as we could.
Jody Burnett. We had asked that they eliminate all the roads for that very reason.
Ian Crow, we still have the main center backbone road.
Chair Stirling, is that road a dedicated road easement into every one of your parcels?
Bruce Braid, no, we would have to get approval for that road and we would have to determine where it actually lays on the ground as a result of discussions we had just a minute ago. So we will know where it actually lays and we will have to deal with the zoning as it relates to that road. We may have to make a little clarification on that based on what this gentleman said.

Chair Stirling, what part of this is considered in your zone that we are recommending tonight. Is this particular bit going to be R-M-7?
Bruce Baird, it would be sucked up by the zoning that it is either adjacent to, or running through.
Jody Burnett, you are not recommending it tonight nor would the Zoning Agreement eventually result in granting any approval for roads.
Chair Stirling, on the Capital Funding LCD application there was no owner identified.
Ian Crow, Shree Sharma and I can amend that.
Chair Stirling, Kristi will you make a note that there is no owner identified on the Capital Funding LCD application.
Bruce Baird, we will fix that.
Chair Stirling, is the density included on that new map? We all went to a Town meeting where we were promised that everything that wasn't going to be recommended tonight would be off the map, including the density. They said "the density, roads and units would be off the map".
Jody Burnett, well I think the density is important because the idea at the end of this is you would have zoning and so you want to know what the density is.
Chair Stirling, we were guaranteed that the map would not have anything on there.
Bruce Baird, that is fine, we can take the legend off.
Brandee Walker, essentially once the map is approved, you guys are not going to take any of our labels, you will just take the zone designation.
Chair Stirling, I understand that, but I think in order to recommend and approve something, we want to make sure it is exactly how we want the Town Council to approve it, not necessarily that we approved those density's, or that we approve that road. I think as a Board, and I would like to hear your comments as well, but we were told that we would not have roads, density or units on the map available. I am just following through.
Jody Burnett, well if that is what you would like to see as part of your recommendation, than just include that.
Bruce Baird, we are ok with that.
Chair Stirling, and that little part that has the sewer in gray.
Bruce Baird we dealt with that the way we were instructed to deal with it.
Chair Stirling, so what is that little gray part then.
Jody Burnett, we will have to designate it something, but we didn't want to create confusion that there was a commitment, or promises, that there would be a sewer site there.
Chair Stirling, and that is what I like, I wouldn't want commitment, or confusion on anything else on that map if there here for planning. On that particular parcel, is that particular parcel not at all on any part of the zoning changes?
Jody Barnett, we will have to deal with that, we can't leave it un-zoned; we will have to designate it something.
Bruce Baird, we didn't want to designate it as open space. You can make a recommendation as to how you want to deal with it. Then we can deal with it in the Zoning Agreement once it gets to Town Council. We will let you make your recommendation and we will just deal with it after that.
Jody Burnett, the balancing act is assign a zone that would allow public utilities if a sewer site were to go there, but not make a commitment that a sewer site is going to go there because you don't know.
Chair Stirling, well another thing is the fact that they were saying that "if you added up all of the zoning, you would know how much your density was". If you are going to include that, then your density is also going to increase as well. So we really don't know what that density is and that's why I don't really feel comfortable with having that on there.

Bruce Baird, you can make a recommendation to the Council as part of the Zoning Agreement. There is adequate steps taken between the Town Attorney and the Planning Department to insure that whatever that is zoned, it does not increase the maximum density. There is ways to do that and we can play with the boundaries a little bit between now and then so it won't increase the actual numbers. We are happy to take the table off because it is really just math.
Chair Stirling, I was also wondering why the Grapevine Wash Basic Local District Map is included?
Bruce Baird, I have no idea, I think that was an accidental remnant and it wasn't intended to be there. It doesn't have any relevance to the zoning application. Feel free to just rip them off.
Chair Stirling, on Tuscan Lenders Group, I found that if you look at the 5th page, it is the wrong legal description. There is another small parcel that is not included in your legal description and not included in your zone change.
Bruce Baird, we will fix that too and that may be part of the acreage issue. There has been an issue about how many total acres there are.
Chair Stirling, I will ask our Attorney, is there supposed to be a breakdown of the total zone change requested in acreage for each applicant. Because of the fact that this is a different thing, do you usually come in with Grapevine Wash or any project name as a whole, or because there are 4 actual changes, are they supposed to have their own individual total breakdown zone change requested so we know that future Planning Commissions know where the zones begin and end if we don't have legal description of each zone needed?
Jody Burnett, the difficulty is that these don't exist with individual parcels yet, in other words, ones that zones are being assigned to. So we do need to make sure we covered all the full acreage, but remember we have 4 different property owner's. With the 4 different property owner's what we will have to do is have a map as an exhibit to a zoning Ordinance and a Zoning Agreement yet to be prepared.
Chair Stirling, for us to look over before we recommend?
Jody Burnett, no it is part of the agreement. I would just include that as part of your recommendation, that there be sufficient breakdown of acreage.
Chair Stirling, how do we recommend it if we have never seen it?
Jody Burnett, because whatever it is going to be, it is going to be and Bob can verify that; it is a detail that is important before we do an agreement, but again you are a recommending body. Nobody has the pretext that we are going to have a final resolution tonight, so I don't think there is any reason to hold the process up. You will need to trust your staff, Bob and I to work with the Town Council and Town Engineer to get that resolved before we have a final agreement.
Bruce Baird, it is not going to look materially different than what you are seeing here. There is no intention of going out on the ground and field surveying all of these zoning lots.
Jody Burnett, until they come in with a subdivision approval for instance, they are not going to break that down on to separate parcel ownership. That may not correspond to it when they actually do that, so there is no reason to do that now.
Chair Stirling, so then I am confused, why are there 4 different zone changes then?
Jody Burnett, because there are 4 different property owners, there are descriptions of their property, legal descriptions of their property, but that is different. I didn't understand that is what you were asking. We got that and we will make sure the acreages are accurate. I think your question the good one, take any of those 4 property owners, as to their holdings, we will have to rely on the map to break down what the acreages are included in each zone within those particular holdings, and then, that won't be sorted out in terms of individual legal descriptions until they are actually ready to come forward with an application, a subdivision plat because that is really when you separate that out into individual ownerships.

Chair Stirling, I think what I am confused about at this point is, the fact that we have a map, but we also have 4 applications that have their own individual acreages on them, how do I know that the Planning Commission in let's say in two years, when they come back, and say they would like to build on this, how do I know that they know which parcel is zoned for how many acres for each zone if we don't even have a legal description for it?
Jody Burnett, the zoning map is critical to that and we'll have the parcel descriptions as they exist today. You will have to use the zoning map to do that.
Bruce Baird, I can tell you that this is very common and we will put it in the Zoning Agreement. What you are seeing is the approximate locations of the boundaries. Nobody is going to go out and field survey every one of these lines in the Zoning Agreement. There will be a final recorded, official adopted, Zone Agreement that will control everything.
Bruce Baird gave an example and discussed it further with Commissioners.

Chair Stirling made a motion to open the public hearing on the zone change for parcels L-3282-G and L-3284-B for Tuscan Lenders Group LC, Parcel L-3281-A for Capital Funding LTD CO LLC, Parcels L-3281, L-3285, L-3284-A-1, L-3286, L-3287 and L-3289 for MSH Investments LLC and Parcels L-3282-F, L-3282-D-2 and L-3179-A-3-B for MISI Investments LLC. 2nd by Commissioner Nelson. Motion Passed in a Roll Call Vote.

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
CHAIRMAN: DANIELLE STIRLING	x			
COMMISSIONER: DANNY SWENSON	x			
COMMISSIONER: DARRELL NELSON	x			
COMMISSIONER: JOHN POAST	x			

Kevin Lee indicated that he is an adjacent property owner. Kevin indicated there is a discrepancy on the map with the road easement. He went to the map and showed where the recorded easement should be located on the map and discussed it with Commissioners, Ian Crow and Bruce Baird. The map will be updated to show the correct easement.
Ian Crow indicated that the interior roads will be removed once they hit the Grapevine Property other than existing easements.
Betty Mcknight thanked Planning Commission members for the questions they have asked and what the zoning is right now on the property.
Bob Nicholson, mixed-use.
Betty Mcknight, I was at the County today and they still have it as one house on 20 acres. I thought it was proposed mixed-use.
Bob Nicholson, it was actually adopted
Betty Mcknight, when was it adopted?
Jody Burnett , October 28, 2009, it is a recorded agreement.
Berry Mcknight, so it went in at the same time as they did the annexation?
Jody Burnett, correct, on the same agreement.
Commissioner Swenson, our desire is to remove that mixed-use.
Betty Mcknight I don't understand why they are dividing it into 4 land owners instead of one solid development. There must be a reason why; to them is it more beneficial?
Jody Burnett, because it is owned by 4 separate property owners, it is the way the ownership is.
Bruce Baird, I can address that if you would like. Mr. Burnett and I discussed this and we have had a lot of experience with dealing with properties like this; we believed it to be in the best interest of

the Town and the land owners to separate this out. To clarify some of the issues that arose from the Annexation and Development Agreement. It allows the property owners to go forward, not necessarily joined at their hip because they may have different interest and different timings. It is cleaner for the Town because the enforcement rights against particular owners are specified, so it is not all in one mix. It was a careful discussion that Mr. Burnett and I have had literally since the start of this case.

Jody Burnett, it's potentially very problematic in any kind of development to have general responsibilities that do not necessarily fall with any particular owner. I am aware of a few developments that went into foreclosure where you might have a problem like, I am a builder, I bought a particular phase that platted bankruptcy and I only got 15 lots, why should I have to worry about infrastructure and improvements that are common to the whole development. So in order to avoid all that, it is a lot cleaner to say these property owners have this zoning and again will have to come in and comply with the Town codes in total before they will get subdivision plat approval.

Betty Mcknight discussed the zoning and density further with Bruce Baird, Jody Burnett, Bob Nicholson, Brandee Walker and Commissioners. Betty expressed concerns about the roads and water not being planned out with the zoning application.

Bob Nicholson indicated water and roads are part of the subdivision process, not at the time of zoning.

Leslie Lin, I do a lot of hiking out there and I was wondering is this going to interfere with all the access to hiking in the area, down by the river?

Chair Stirling, there is actually a road that has been there for about 150 years, so that particular road at this point cannot be blocked off for any reason because there is an easement that has been there for years and years.

Leslie Lin, I share feelings with Betty, when I moved here anything annexed into Leeds was supposed to be 2 acre zoning. I see quarter acre density and my heart breaks

Susan Savage, if this zoning proposal is rejected, we go back to mixed-use. We are back to the high density that was described and the Development Agreement. All these negotiations were done and so many things that needed to be solved, this is an opportunity to solve it. Previously I didn't come to all of the meetings but I came and looked over the plans for the mixed-use development and there were so many requests to make exceptions to the Towns Ordinances and to the General Plan and all kinds of things. To have them come back and say we are ready to comply, we want to comply with the Town Ordinances and the zoning that we have is something that I am grateful for. In meetings where people were rejecting before, people were saying "why don't you use our zoning", "why don't you use our Ordinances" and that is what we are ready to do. I know I made this point in the meeting a couple of weeks before, but the land has been annexed and land cannot be annexed without having been zone something. I think that if people could see a map of the lots that are already designed in Leeds in the Silver Reef, Silverado area, you would be amazed at how many lots there are. So 1000 homes sounds like a lot, it is a big number, but it is not 2500 units and it much closer to what we already have. These many questions that we have, and that people will have as the process goes forward, says to me, we need to be better about coming to the meetings. We have people here that run Town Council and Planning Commission that are pretty thankless jobs sometimes and when we have an issue of concern people come out; however, as Council, Planning Commission, Town Planner and Attorneys are working through those, people don't come; so they don't see what has to be done and what the steps people are working through. We need as Town's people, in my opinion, to be a better support. We need to be here as these steps are worked though with access and lot size because that is the process. They are not all done at the same time and zoning needs to be done first.

Carrie Dickson, I want to ask a question or clarification, it says on the plat, the drawings Grapevine but what is being presented is different ownership, so is that just carry over, is it Grapevine?
Chair Stirling, it says on our zone change amendment applications the project name is Grapevine Wash and then it has on the application, applicants name and owner of property. So on each one it says the project name is Grapevine Wash and then because Grapevine Wash is not the owner of all 4 parcels, or actually there is more parcels, but all of the parcels, then they specifically put the applicants name on there. Legally I believe that's the way you have to do that.
Jody Burnett, really the name, the reason for Grapevine Wash just to be upfront with people is this is the former Grapevine Wash property.
Carrie Dickson indicated that area is roughly half the size of Leeds and was concerned that she didn't see quarter acre lots anywhere on the Leeds Zoning Map. Carrie discussed the Leeds Zoning Map, the proposed zoning map and the Leeds General Plan further.
Commissioner Nelson, I would like to say there are some quarter acre lots in town. They are at the top of Vista and Main and some along Main Street that were built a lot of years ago.
Chair Stirling, there are some that are less than a quarter acre as well.
Carrie Dickson, so you have them, but you don't have anything zoned; in fact, it is not even on the key. So you may have them but there is a lot less than 152 acres of them.
Chair Stirling, we really appreciate your dedication to the Town, you have done a lot of research and we appreciate that. We appreciate everyone here and their opinion.
Kevin Lee, indicated as long as they are doing it to code, they have property rights and he appreciates them coming in and doing it properly.
Danny Swenson, I would like to ask a question to those who have been involved since 2009, maybe you can summarize some of the considerations that Carrie brought up about the Master Plan.
Bob Nicholson explained the criteria for zoning is the General Plan. The citizens should become familiar with the General Plan; it sets the criteria for establishing zoning. If people don't like the General Plan, there is a process to change it.
Commissioner Swenson addressed Betty by explaining the subdivision process.
Carrie Dickson, can I just ask the question, do you feel that this plan fits with the Master Plan?
Bob Nicholson, when they did the Annexation Agreement in 2009, the first thing they did is adopt an amendment to the General Plan and they said this area known as Grapevine Wash will be used for mixed-use development. Then they adopted the second step, which is implemented zoning to match that. So the answer to that, the mixed-use zoning would reflect the General Plan, but I think the attitude of the people that have expressed themselves in the Public Hearings is something far less than the high density that was planned for that area.
Carrie Dickson, is it possible to make changes to this plan?
Bob Nicholson, that is up to the Town Council.
Jody Burnett, as the saying goes, it takes two to tango. So sure, it is a combination of what the property owner is going to live with and the Town Council can compromise on.
Chair Stirling, asked Jody Burnett if the zone change goes through, what will happens to the existing annexation agreement?
Jody Burnett, all the aspects of the Development Agreement would be terminated except the property would remain as part of the Town.

Commissioner Nelson made a motion to close the public hearings on the zone change. 2nd by Commissioner Swenson. Motion Passed in a Roll Call Vote.

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
CHAIRMAN: DANIELLE STIRLING	x			
COMMISSIONER: DANNY SWENSON	x			
COMMISSIONER: DARRELL NELSON	x			
COMMISSIONER: JOHN POAST	x			

b. Zone Change for Parcel L-3281-A for Capital Funding LTD CO LLC from Mixed Use (MXD) to Residential R-1-10 (10,000 sq. ft.), Residential R-1-20 (20,000 sq. ft.) on approximately 25 acres.

c. Zone Change for Parcels L-3281, L-3285, L-3284-A-1, L-3286, L-3287 and L-3289 for MSH Investments LLC from Mixed Use (MXD) to Multiple Residential R-M-7, Residential R-1-10 (10,000 sq. ft.), Residential R-1-20 (20,000 sq. ft.), Residential R-1-1 (1 acre) on approximately 199 acres.

d. Zone Change for Parcels L-3282-F, L-3282-D-2 and L-3179-A-3-B for MISI Investments LLC from Mixed Use (MXD) to Multiple Residential R-M-7, Residential R-1-10 (10,000 sq. ft.), Residential R-1-20 (20,000 sq. ft.), Residential R-1-1 (1 acre) on approximately 68 acres.

8. Action Items:

a. Zone Change for Parcels L-3282-G and L-3284-B for Tuscan Lenders Group LC from Mixed Use (MXD) to Multiple Residential R-M-7, Residential R-1-10 (10,000 sq. ft.), Residential R-1-20 (20,000 sq. ft.),Residential R-1-1 (1 acre) on approximately 77 acres.
Chair Stirling, at this particular time, I am going to ask some questions to Bob. Can they have all the changes that we asked for amended and done before we agree to recommend?
Bob Nicholson, well I think you could include any conditions; such as, the gray area should have a zoning designation. All of the R-1 zones with a conditional use, is public utilities. My recommendation is the gray to be R-1-10. I think the other issues were we talked about, removing the chart on the map, can just be a condition as part of your motion.
Commissioners discussed it and decided due to all the changes recommended tonight to the map, they would like to review the minutes and the changes be made to the map before a motion is made.
Bruce Baird, asked Commissioners if a Special Meeting could be held because the changes to the map could be made within a couple of week?
Commissioners, Bruce Baird, Jody Burnett, Bob Nicholson and the Mayor discussed it. There will be a Planning Commission Special Meeting scheduled for March 30, 2016.

Commissioner Nelson made a motion to table the action items from the Public Hearings this evening to a Special Meeting on March 30th to consider the changes mentioned at this meeting. 2nd by Commissioner Poast. Motion Passed in a Roll Call Vote.

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
CHAIRMAN: DANIELLE STIRLING	x			
COMMISSIONER: DANNY SWENSON	x			
COMMISSIONER: DARRELL NELSON	x			
COMMISSIONER: JOHN POAST	x			

b. Zone Change for Parcel L-3281-A for Capital Funding LTD CO LLC from Mixed Use (MXD) to Residential R-1-10 (10,000 sq. ft.), Residential R-1-20 (20,000 sq. ft.)on approximately 25 acres.

   Item tabled.

c. Zone Change for Parcels L-3281, L-3285, L-3284-A-1, L-3286, L-3287 and L-3289 for MSH Investments LLC from Mixed Use (MXD) to Multiple Residential R-M-7, Residential R-1-10 (10,000 sq. ft.), Residential R-1-20 (20,000 sq. ft.), Residential R-1-1 (1 acre) on approximately 199 acres.

   Item tabled.

d. Zone Change for Parcels L-3282-F, L-3282-D-2 and L-3179-A-3-B for MISI Investments LLC from Mixed Use (MXD) to Multiple Residential R-M-7, Residential R-1-10 (10,000 sq. ft.), Residential R-1-20 (20,000 sq. ft.), Residential R-1-1 (1 acre) on approximately 68 acres.

   Item tabled.

e. Discussion and possible action on Chair and Chair Pro-tem.

   Item Tabled

9. Discussion Items:
   a. Ralph Cook, Lot split at 440 N Main
   Chair Stirling, with this lot split at 440 North Main, the only thing I can really recommend you do is get with Kristi and look over Chapter 4 of the Land Use Ordinance. We didn't receive an application, so there is nothing that we can do with it. We can't recommend anything because everything that you have given us is basically speculative. The one thing I would recommend is that on your map, it will have to have a definite amount for each parcel you want to split, an amount of acreage. You might want to go have a CAD system put on it and we will definitely have to have an application on it.
   Kimberly Cook, we have gone through things just to see what is required. We have gone to the County and the Special Service District. We found out it basically comes down to the Town of Leeds as far as septic.
   Chair Stirling, the first step is fill out an application that way we have a paper trail and we can do our research. For instance, this piece of paper would have to have the actual road that you wanted so we could look at our Ordinances to see if that is correct. We are not a governing body to tell you what to do; we look at it and tell you if you can do it.
   Kimberly Cook, so is putting in an application like putting in a permit to build? After that happens, would we have longer than a year once you have the application?
   Chair Stirling, from the research I have done on this, you are asking for a flag lot. So the only thing that we would do is either approve or not approve your flag lot unless you brought something else like building plans, but the first step is the application.

Kimberly Cook, so do we have a year than after the application to get it approved, or not approved, to develop that?
Bob Nicholson, no, there is no one year limitation. The issue here is going to be the septic system and the requirement from the Conservancy District; you are only going to get one septic tank. You are only going to get 1 home on 1 1/2 acres until sewer comes into the Town because of the agreement with the Conservancy District on septic tank saturation. There was a study done and they were concerned about ground water pollution. They say Leeds septic tanks should be about one for every 7 acres.
Kimberly Cook, is there anywhere we would have found that out before we bought our property because we did our diligence.
Bob Nicholson, well the problem is, without a sewer system, you are relegated to a septic system. That is a document that is been recorded as public record.
Kimberly Cook, Bob Nicholson, Mayor Peterson and Commissioners discussed it further.
Ralph Cook indicated that the application fee is $500.00 and that does not feel too good just to be told no and that it is not clear anywhere that 7 acres are required for a septic tank.

10. Staff Reports: None

11. Adjournment:
Commissioner Nelson moved to adjourn the meeting 2nd by Commissioner Swenson. All voted "Aye". Motion Passed.
Time: 9:16pm.

APPROVED ON THIS 6 DAY OF April, 2016

Darrell L. Nelson
Darrell Nelson, Chair

ATTEST:

Kristi Barker
Kristi Barker, Clerk/Recorder